

2014 DEC 19 PM 4:12

December 19, 2014

OFFICE OF GENERAL
COUNSELMarc Erik Elias
MElias@perkinscoie.com
D. (202) 434-1609
F. (202) 654-9126Jeff S. Jordan
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 6898
Democratic Congressional Campaign Committee, Representative Steve Israel, Steve
Israel for Congress Committee, Representative Tim Bishop and Tim Bishop for
Congress Committee

Dear Mr. Jordan:

We write as counsel to the Democratic Congressional Campaign Committee ("DCCC") and Kelly Ward in her official capacity as Treasurer, Representative Steve Israel, Steve Israel for Congress Committee and Harris Wiener in his official capacity as Treasurer, Representative Tim Bishop, and Tim Bishop for Congress Committee and Susan Taylor in her official capacity as Treasurer (collectively, "Respondents"), in response to the complaint filed by Ms. Laura Doukas on October 31, 2014 ("the Complaint"). The Complaint fails to set forth sufficient facts, which, if proven true would constitute a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). The few salient facts it does allege are squarely refuted by the public record. Accordingly, the Complaint should be dismissed and the Commission should close the file.

"The Commission may find reason to believe only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the [Act]."¹ Additionally, "unwarranted legal conclusions from asserted facts" and mere speculation will not be accepted as true.² The Complaint fails to meet this standard. The Complaint alleges only that Stony Brook University permitted the Stony Brook College Democrats to host a "Get Out the Vote" rally at the University on October 22, 2014. It alleges no specific facts showing that the University provided the use of the facility at less than the usual or normal charge, or that it made any coordinated communication in support of the candidates involved.

Moreover, the premise of the Complaint -- that the University was not paid for the use of its facilities -- is refuted by the public record, as the New York State Democratic Committee reported paying the University \$12,734.97 for "GOTV Rally Expenses" on its 2014 Post-General

¹ Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas, Matter Under Review 4960 (Clinton for U.S. Exploratory Committee) (Dec. 21, 2000) (emphasis added).

² *Id.*

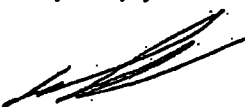
Jeff S. Jordan
December 19, 2014
Page 2

Election Report.³ Thus, the University did not make, nor did Respondents receive, any "improper or un-reported" contributions.⁴ A complaint must be dismissed "if it consists of factual allegations that are refuted with sufficiently compelling evidence provided in the response to the complaint," as is plainly the case here.⁵

Lastly, the Complaint argues that the University made a contribution to Tim Bishop for Congress by providing it with "access to the university's e-mail list of students."⁶ But this allegation, too, is refuted by the Complaint's own exhibits. The exhibits show that an email was sent from "studentlife@stonybrook.edu," and not by Tim Bishop for Congress.⁷ Contrary to the Complaint's allegations, the email was consistent with the University's policy: the invitation came from the Stony Brook College Democrats,⁸ a recognized student organization,⁹ and State University of New York policy permits partisan political student organizations to use university facilities in the same manner as other student organizations.¹⁰ And, in any event, emails do not meet the definition of "coordinated communications" under Commission regulations so any emails sent by the University would not be treated as in-kind contributions.¹¹

The Complaint fails to allege specific facts that constitute a violation of the Act and the few factual allegations it does make are contradicted by the public record. For the reasons described herein, we respectfully request that the Commission dismiss this matter and take no further action.

Very truly yours,



Marc E. Elias
Andrew H. Werbrock
Aria C. Branch
Counsel to Respondents

³ NYSDC 2014 Post-General Report, at 101 (filed Dec. 4, 2014).

⁴ See 11 C.F.R. § 114.4(c)(7) (permitting a college or university to make its facilities available to any candidate or political committee in the ordinary course of business and at the usual and normal charge).

⁵ Statement of Reasons, Matter Under Review 4960.

⁶ Complaint at 2.

⁷ *Id.* at 5.

⁸ *Id.* at 6.

⁹ See <https://stonybrook.collegiatelink.net/organizations>.

¹⁰ State University of New York, Use of Facilities by Non-Commercial Organizations, § I.K.2, available at https://www.suny.edu/sunypp/documents.cfm?doc_id=374.

¹¹ 11 C.F.R. § 100.26; *Internet Communications*, 70 Fed. Reg. 18,589, 18,596 (Apr. 12, 2006).